

United States District Court  
Violation Notice

CVB Location Code

A51

Violation Number <b>F5340052</b>	Officer Name (Print) <b>ORTEL</b>	Officer No. <b>1898</b>
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) <b>9/21/90 1230</b>	Offense Charged <b>34 CFR 240.106</b>	
Place of Offense <b>FR 68</b>		

F5340052

Offense Description:

**OCCUPANCY OF FOREST  
LANDS**

DEFENDANT INFORMATION			Phone: ( )
Last Name <b>WITHEROW</b>	First Name <b>FOSTER</b>	M.I. <b>E</b>	
Street Address			

City <b>FLAGSTAFF</b>	State <b>AZ</b>	Zip Code <b>86001</b>	Date of Birth (mm/dd/yyyy) <b>1/91</b>
Drivers License No.	D.L. State	Social Security No.	
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Race <b>W</b>	Hair <b>BR</b>
		Eyes <b>BL</b>	Height <b>6-47</b>
		Weight <b>190</b>	

VEHICLE DESCRIPTION						VIN:
Tag No.	State	Year	Make	Type	Color	
A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).						B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
PAY THIS AMOUNT → \$ _____ Forfeiture Amount + \$30 Processing Fee \$ _____ Total Collateral Due						

YOUR COURT DATE (If no court appearance date is shown, you will be notified of your appearance date by mail.)	
Court Address <b>123 N. SAN FRANCISCO FLAGSTAFF AZ 86001</b>	Date (mm/dd/yyyy) Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

Original - CVB Copy

Previous edition is obsolete

FS-5300-4 (3/2017)

19-04269mJ-001-PCT-CBP

**STATEMENT OF PROBABLE CAUSE**  
(For issuance of an arrest warrant or summons)

I state that on 09/08/2019, while exercising my duties as a law enforcement officer in the Federal District of Arizona on the Coconino National Forest in the area of Forest Road 68 I observed a camp consisting of a blue tent and a second tarp tied to trees. I recorded the camp and left the area. Each time I patrolled the same area I located and recorded the tent. On 09/21/2019 while in the area I was contacted by Coconino County Sherriff's Deputy Villalpando and Walter who stated that they were responding to a call of a fight in progress at a blue tent. We arrived at the tent and contacted the occupant, identified as Foster WITHROW, a short distance away was a female on a sleeping bag who was later identified as Nacole SUMMERS.

I explained to both SUMMERS and WITHROW that we had responded because of the report of a fight, SUMMERS stated that they had been yelling and she had thrown her shoes, but that they had reconciled. I explained that I was concerned that they had exceeded their 14 day stay limit, SUMMERS stated that they had no home, that they had been stuck in Flagstaff for a while and not able to get to their camp, that they were both on parole and could not change their residence with out contacting their patrol officer. I explained that the 14 day camping limit was for recreational camping, that there was not occupancy or living on National Forest lands.

Computer checks of both SUMMERS and WITHROW listed them as transient in the in-house records with Coconino County. WITHROW has a non-extraditable warrant out of Arizona Department of Public Safety for the Phoenix area. WITHROW listed his address at the Sunshine Rescue Mission in Flagstaff while SUMMERS listed hers as Catholic Charities, also in Flagstaff.

The foregoing statement is based upon:

- ☒ my personal observation      ☒ my personal investigation  
☒ information supplied to me by my fellow officer's observation  
☐ other (explain)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 9/21/19

Date (mm/dd/yyyy)

Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: 9/22/2019

Date (mm/dd/yyyy)

Camille D Bibles  
U.S. Magistrate Judge

United States District Court  
Violation Notice

CVB Location Code

AS1

Violation Number <b>F5340053</b>	Officer Name (Print) <b>ONIEL</b>	Officer No. <b>1898</b>
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) <b>9/21/2020</b>	Offense Charged <b>30 CFR 72.1, 11.6</b>	
Place of Offense <b>FL 68</b>		

Offense Description:

**LITTER IN EXPOSED CONDITION**

DEFENDANT INFORMATION		Phone: ( )
Last Name <b>WITAROW</b>	First Name <b>FOSTER</b>	M.I. <b>E</b>
Street Address		
City <b>FLAGSTAFF</b>	State <b>AZ</b>	Zip Code <b>86001</b>
Date of Birth (mm/dd/yy) <b>1/91</b>		
Drivers License No.	D.L. State <b>AZ</b>	Social Security No. <b>47</b>
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Race <b>W</b>
	Hair <b>BR</b>	Eyes <b>BL</b>
	Height <b>6</b>	Weight <b>140</b>

VEHICLE DESCRIPTION		VIN:
Tag No.	State	Year
		Make
		Type
		Color
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PAY THIS AMOUNT →		\$ _____ Forfeiture Amou + \$30 Processing Fee \$ _____ Total Collateral D

YOUR COURT DATE	
(If no court appearance date is shown, you will be notified of your appearance date by mail.)	
Court Address <b>127 W. SAN FRANCISCO ST</b>	Date (mm/dd/yyyy)
<b>FLAGSTAFF AZ 86001</b>	Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

Previous edition is obsolete

Original - CVB Copy

FS-5300-4 (3/2017)

**STATEMENT OF PROBABLE CAUSE**  
(For issuance of an arrest warrant or summons)

I state that on 09/08/2019, while exercising my duties as a law enforcement officer in the Federal District of Arizona on the Coconino National Forest in the area of Forest Road 68 I observed a camp consisting of a blue tent and a second tarp tied to trees. I recorded the camp and left the area. Each time I patrolled the same area I located and recorded the tent. On 09/21/2019 while in the area I was contacted by Coconino County Sherriff's Deputy Villalpando and Walter who stated that they were responding to a call of a fight in progress at a blue tent. We arrived at the tent and contacted the occupant, identified as Foster WITHROW, a short distance away was a female on a sleeping bag who was later identified as Nacole SUMMERS.

I explained to both SUMMERS and WITHROW that we had responded because of the report of a fight, SUMMERS stated that they had been yelling and she had thrown her shoes, but that they had reconciled. I explained that I was concerned that they had exceeded their 14 day stay limit, and the litter that was around the camp. I observed several food storage items such as juice cans, and water bottles, papers, cardboard boxes, plastic bags, shoes and other clothing, on the ground around the tent and blowing in the wind such that the material from the camp extended 40 feet or more downwind from the tent and tarp area.

I asked who owned the tent, both WITHROW and SUMMERS stated that the tent was theirs. While picking up items that were around the area I asked several times about items that I found outside the tent such a rug, a set of slippers, the tarps and other items. WITHROW stated that the items I asked about were from their camp.

The foregoing statement is based upon:

- ☐ my personal observation      ☐ my personal investigation  
☐ information supplied to me by my fellow officer's observation  
☐ other (explain)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on:

9/21/19  
Date (mm/dd/yyyy)

[Signature]  
Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on:

9/22/2019  
Date (mm/dd/yyyy)

Camille D. Bibler  
U.S. Magistrate Judge